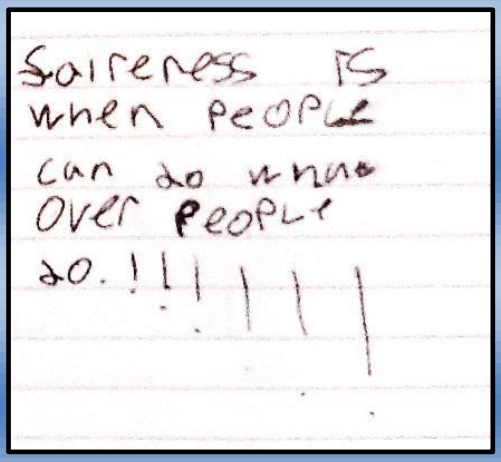
FAIR OR FOUL?

Towards practice and policy in fairness in education: short report



'Fairness is when people can do what other people do'

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Executive Summary

Fairness in education means different things. On the one hand it is being treated the same and achieving the same standard – having a level playing field. Central to this is that entitlement through privilege is *not* seen as fair. But it is also having *different* provision or opportunities for those that need this. Fairness means fair process – being treated in a fair manner and challenging stigmatisation. Finally there is fair participation which we take to have two different meanings. One is the involvement in decision-making – having a fair hearing. The other is *active* participation in learning, in which learning is challenging, involves enquiry and genuine communication between teachers and students. Fairness in education is about bringing about the participation in learning for people of all ages in all situations not just about children and young people in school. This includes learning at work, accredited courses to get into work, and other kinds of adult education.

As a result of this enquiry, the following are suggested as priority areas for consideration:

- The provision of varied routes to different achievements and a range of different kinds of examination modes to cater for the needs of diverse individuals.
- Actions to counter the impact of privilege on the underachievement of less advantaged children, including challenging institutionalised low expectations. The fostering of a sense of community and commitment to the local school from all parties to develop their school as excellent.
- Greater attention to the way that decisions about differentiated work or groupings have been taken. Young people should have a greater involvement in such decisions.
- Increasing marketisation may lead to more demands for 'equal shares' rather than distribution on the basis of need. This should be looked at carefully and resisted where it is agreed there is the need.
- Additional extra-curricular opportunities to develop children's capabilities are needed.
- Children and young people should be more involved in decision-making both about schools and services, and about their own lives.
- Whilst it is important to remove attainment gaps between lower-income children and those better off, fairness is wider than such concerns. This report advises some form of progressive universalism that recognises that fairness is for all, but that some form of targeting will be necessary on a scale and intensity proportionate to the level of disadvantage.
- Fair participation is needed in school learning. This involves a high level of challenge and enquiry in lessons; genuine communication between pupils and between staff and pupils; a high level of engagement with young people as agents of their own lives; and approaches that position teachers as thinking professionals able to evolve their own solutions to educational problems.
- This report also supports the development of locality-based groups of schools that collaborate with each other and with other institutions and services, including industry, to offer a range of activities and services for families and the community. This represents a more holistic approach to the delivery of education and other services and is also likely to be a more effective vehicle for the fair delivery of teaching and learning.

Introduction

The aim of this report is to support the Newcastle Fairness Commission by scoping and defining fairness in education, making reference to educational research and government policy, but it is hoped that the research and recommendations contained within in are also of use more widely. If fairness is partly about future benefit, then it has to be about education, but what counts as 'fair' education policy?

Despite progress in many areas of education, there is continued and widespread concern about the different kinds of educational inequalities experienced by many young people. By the time young people take their GCSEs, the gap between rich and poor is very large. For example, drawing on UK cohort study data 2003–7, only 21% of the poorest fifth (measured by parental socioeconomic position; SEP) manage to gain five good GCSEs (A*–C, including English and Mathematics), compared to 75% of the top quintile – a gap of 54% (Goodman and Gregg 2010).

The focus of the current Coalition Government on social justice involves a more direct funding of need, targeting disadvantaged young people and their families, for instance through the Pupil Premium and focused help with parenting. There have also been common themes over the last two decades across all governments. One is the impact of the market more and more on schools and public services and another is a gradual move away from direct funding of inclusive education, such as special educational needs provision, both of which can be said to have had negative implications for a fair education for all.

So whilst education can help address the effects of social and economic inequalities, some educational practices exacerbate unfairness. What is fair in education is not always evident and is subject to debate. For instance, inclusion of children with significant special educational needs in mainstream schools is seen by some to be a marker of fairness but, from the perspective of others, high quality special provision is more appropriate and therefore fair. We need some way of conceptualising these instances in order to debate possible action. This report provides a framework for how we might think about fairness by providing an audit process for schools and other organisations.

The main aims of the enquiry were:

- to situate the fairness principles agreed by the Newcastle Fairness Commission in the context of education
- to start a conversation on fairness and education with some key stakeholders
- to suggest a process of development and research to enable a process of audit of fairness and critical reflection on current policy and practice to be carried out
- to identify key considerations from selected research literatures
- to identify areas for future research.

The methodology for this report entailed a review of literature on fairness and education, informed by discussions with key informants from research, policy and practice. A round table discussion looked at how those attending would define fairness and what action they would take to improve it. Two young people also contributed to the discussion. The fairness principles which informed Newcastle's Fairness Commission (Brink 2012) also informed this report and they are set out in the box below.

The Fairness Principles (Brink 2012)

1. Fairness is a fundamental concept in its own right, related to but not the same as notions of equality, social justice, democracy, tolerance, good citizenship and social cohesion.
2. It is fair to allocate resources between competing priorities, provided those priorities enjoy a democratic mandate and infringe no rights or freedoms.
3. It is fair to balance current need against future benefit, including to future generations.
4. It is fair that those who need more should get more, provided their need arises from circumstances beyond their control, not from their own actions or inactions.
5. It is fair to expect civic responsibility from all, and a contribution to society commensurate with ability and resources.
6. It is fair that benefit for all should be contributed to by all, and hardship caused by none should be shared by all, even if not in equal measure.
7. Fairness requires fair outcomes, fair process, fair opportunity and fair participation.
8. Privilege should not buy priority, but need might deserve it.
9. Ability should be able to access opportunity, regardless of circumstance.
10. The perception of fairness is as important as the substance of it.

1. Understanding fairness in education

Education is not just about schools but about the needs of everyone as learners in a range of contexts and any action taken to make education fairer is therefore an example of the third principle of fairness, that of investment in future benefit. On this basis alone we suggest that education is a key priority for a policy of fairness. To develop a framework to look at education, we have placed these principles in the context of the wide-ranging literature on fairness, equity and social justice in education, health and social policy. Drawing on the fairness principles (Brink 2012) and consistent with a wide-ranging review of the literature on fairness, equity and social justice in education, health and social policy, seven broad meanings given to fairness in education can be identified (Todd 2012):

a) **Fair process as being treated the same.** This is 'fair go' (7) an aspect of having a level playing field. It may refer to having a minimum or adequate 'offer' in terms of educational provision. An example of this is the idea that all children should experience the same educational curriculum, such as the National Curriculum in England. An aspect of being treated the same is that fairness is not about entitlement through privilege (8).

b) **Fair process in the way that different provision is allocated or experienced (7).** This refers to the process of deciding who gets to have access to different opportunities or provisions: on what basis is allocation made? Fair process is about the manner in which the different provision is delivered. It also includes the

manner in which children's behaviour is responded to.

c) **Fairness as minimising divergence in educational attainment across social groups (4).** This means reducing differences in educational outcomes between different groups, whether on the basis of income, class, gender, ethnicity, disability or any other salient difference. This is also about celebrating achievement differently – thinking about the revised OFSTED criteria and how difficult it is for inclusive schools to be judged outstanding.

d) **Fairness as achieving the same standard.** There are clear standards set in England that schools have to reach. These are referred to as 'floor standards' and if they are not reached schools are regarded as 'under-performing' and in danger of being required to become a sponsored academy.

e) **Fairness as meeting the needs of diverse individuals (4).** This aspect of fairness requires differential treatment in order to take account of the needs of individuals. It is similar to (c) but is not just about outcomes. It is more about wider learning needs, social outcomes and educational experience. It includes some sort of positive discrimination in order to create the level playing field mentioned in (a).

f) **Fair participation in decision-making.** This involves having a fair hearing, 'a fair shout' – an effective voice in decision-making, a voice for the voiceless (7 and 8). Examples of attempts to enable fair participation include school councils, youth parliaments and youth councils, and the work of the Office of the Children's Commissioner.

g) **Fair participation in learning**. A second kind of fair participation in schools is the opportunity to participate fully and actively in learning. This refers to a wide range of practices that enrich the curriculum in schools and includes approaches that can be understood as an enquiry-based curriculum, for instance philosophy for children (P4C).

2. Levers of fairness

In education a focus on the most disadvantaged has been commonly but relatively recently translated into the need to reduce the gap in attainment between children from high- and low-income groups. We know that already by the age of 3 there are big differences in the cognitive outcomes of poor children compared to those from better-off backgrounds and that this gap widens by the age of 5. By the time young people take their GCSE exams the gap between rich and poor in obtaining five good GCSEs (grades A*–C, including English and Mathematics) is very large indeed. A focus on closing the attainment gap has led to action at a number of levels with many initiatives over the last 15 years and no shortage of research suggesting ways forward. However, curricular changes, with a number of exceptions, have tended to be top-down, narrowly equating equity with improved examination results. Although there have been some improvements as a result of curricular changes, many of these initiatives have been de-contextualised and the most disadvantaged schools and groups of learners have been further penalised for failing to achieve.

The impact of privilege

By taking a look at what it means to have fairness in education we argue that this opens up a range of different questions to ask about

inequalities, notably an investigation of the impact of privilege on inequalities. Indeed an area that we suggest has been neglected at national and local government levels in tackling the achievement gap is that of privilege and advantage.

A consideration of privilege is central to what is fair education, as fairness resists entitlement through privilege. Wealth and parent action mean that parents are able to gain advantage for children and achievement is not balanced fairly. For the poorest fifth in society, 46% have mothers with no qualifications at all, whereas for the richest, it is only 3% (The Guardian 2012).

Research also suggests that advantaged children have benefitted more than have the disadvantaged from policies aimed at the disadvantaged. For instance, a number of policies to do with school choice, gifted and talented and parental involvement are suggested to have reproduced educational advantage rather than to have contributed to reducing disadvantage (Reay 2004). The advantages achieved by higher income groups seem to reproduce class structures and class inequalities and therefore level down the achievements of the less well-off.

One of the first tasks is to change the debate as privilege is little spoken of. Secondly there is an overall need to foster within schools a culture of co-operation and community. We need to move to a version of this relationship such that, at the very least, the self-interest for parents of the advancement of their children is achieved by working together (with other parents and with the staff of the school) to support the local school as exceptional. In education, building greater trust in both the professionalism of teachers and the responsibility of young people would also seem reasonable places to start.

Recommendation: A number of actions are needed to counter the impact of privilege on the underachievement of less advantaged children. The institutionalised and often unrecognised low expectations of lower-income children should be countered. A sense of community and commitment to the local school should be fostered from all parties (school staff, parents, community, local authority, businesses) to develop this school as excellent.

Challenging the focus on inspections and results

Other kinds of fairness, particularly fair process and fair participation in education may be compromised by the focus on exam results. The setting of high standards by Ofsted may seem to represent fairness. However, it is possible to set an adequate standard for education without addressing educational inequalities – and thereby compromise one aspect of fairness. The floor standards have been part of a performativity agenda in England that has involved school inspections for which failure brings harsh penalties, compromising the divergence in attainments across groups (fairness type c) because it leads to the adoption in schools of narrow objectives that are focused on standards and this inhibits interest in the broader aims of education.

A very narrow range of assessment methods is not likely to help those who underachieve. What might seem to be increased standards may instead represent a decrease in the diversity of possible pathways to gaining evidence of achievement and, as such, could adversely impact on the standards that are

possible for young people from a range of backgrounds.

Recommendation: There is a need to continue to provide varied routes to different achievements and a range of different kinds of examination modes to cater for the needs of diverse individuals. Schools should be supported to be able to raise standards without the creativity of schools being inhibited.

Providing for diverse needs

Many different kinds of additional provisions are made in schools for learners with diverse needs, with respect (for example) to income, gender, disability, ethnicity, sexuality and special educational needs. This includes access to information on how to navigate educational opportunities and examinations; information about different routes to a range of career ambitions; opportunity to self-refer for personal support; the provision of academic mentoring; and opportunities to access a range of affordable extra-curricular activities.

These provisions are designed to make education fairer, to enable young people to have improved access to education and to enable greater educational achievement and indeed overall well-being. Whilst many students value 'different' provision, it is not always viewed as fair and equitable by all. There are several ways in which fairness may need to be considered because people have different views about individual needs and also about how resources should be distributed to provide for them.

One of the problems with provision based on 'need' is the difficulty in defining 'need'. It is not easily defined, and in some key areas (i.e. special educational needs) definitions are defined in terms relative to local provision rather than any more objective definition. The manner of delivery also has the potential to be both fair and unfair. Young people may not have been included in the decisions or may not have an understanding of the reason for the provision. Young people may not agree with the provision and may want some alternative, but may not be given a way to negotiate or even discuss this. As a result of the manner of delivery, stigma may be attached and the child or the family may be labelled. There is a need to avoid stigmatising difference in the way that difference is provided for. It seems particularly important for a fair education system that children and young people who are recipients of additional provision are treated with dignity.

Demands for an equal allocation of resources rather than on the basis of need seems more likely, the more marketised the system. This depends on public sympathy with different kinds of fairness. Fabian Society research on attitudes to fairness shows that people are willing to compensate for disadvantage, but not to lose advantages that are already held, for instance in school choice. Given a current decrease in resources for all we suggest that we are at an interesting crossroads between acceptance of different provision based on need, and the expectation of equal provision for a marketised economy (you get what you pay for).

Recommendations: Greater attention needs to be given to the way that decisions about differentiated work or groupings have been decided, about whether they can be revised and the process by which they are delivered. Young people should have a greater involvement in such decisions.

Increasing marketisation may lead to more demands for 'equal shares' rather than distribution on the basis of need. This should to be looked at carefully and resisted where it is agreed there is the need. There is work to do to demonstrate the value for society and its communities of the provision for greater need.

Additional extra-curricular opportunities to develop children's capabilities is needed. Access to such opportunities vary dramatically between children from different social groups. Efforts of Schools North East and of individual schools to compile lists of experiences that children should be supported to access should be encouraged, as should collaborative ways to use the Pupil Premium.

Fair participation in decision-making

The gradual change in society over the last twenty years, such that children are seen as agents in their own lives rather than passively developing in response to upbringing and education, has brought a sea change in the way children are regarded. There is also now a well-reported policy mandate to consult children on decisions that are made about them in education, health and social services. However, although there have been great improvements there is still a way to go. Attitudes are contradictory as children at different times and in different places are (for example) feared, protected, regarded with wonderment, neglected – and appreciated. However, the negativity with which children and young people are considered is destructive to efforts to develop a fair education system.

Involving young people in decision-making, for instance by 'Investing in Children' (IiC), which has evolved practices, strategies and policies to engage older children actively in consultation and decision-making processes, is a demonstration of their civic responsibility. Innovative work in which children play an active role in decision-making demonstrates the capacity of young people to take responsibility in a way that does not always have to be structured for them by adults.

However, there are many examples of paying lip service to decision-making. One of the authors has documented the ways that not being involved in decision-making about special educational needs can lead to further disadvantage (Todd 2007). Children are often put in a situation in which they do not know the role of the practitioner they are consulting and have an inadequate grasp of the import of the decisions being made about them. It is an area in which real improvements can be made.

Recommendation: Children and young people should be more involved in decision-making both about schools and services and about their own lives. Attention should be given to involve a more diverse group of young people in existing arenas such as school councils and for young people to have a real influence.

Fair participation in learning

It is not a simple matter to decide what constitutes fair participation in learning and more research is needed to investigate effects on children and teachers of different teaching practices. There has been increasing awareness recently of the need to enable teachers to teach without the imposition of repeated reforms and to trust the professionalism of teachers. Increasing trust in teachers can lead to the creative development by teachers of classroom practice that engages children more fully and actively in their own learning with a high level of challenge and enquiry in lessons; genuine communication between pupils and between staff and pupils; and engagement with young people as agents of change in their own lives.

Teachers should be facilitated as thinking professionals to evolve their own solutions to educational problems. A well-practiced and evidenced process that achieves this is the development of schooling by engaging teachers in researching their own practice. There is also a role for parents to play in demonstrating trust and one way to do this is to support 'the local school' as an excellent school for all.

One way to deliver fair participation in learning is via an 'area-based curriculum'. This is gaining ground as a concept, focusing on the local school attended by children in a community. The aim is to enhance the educational experiences of young people 'by creating rich connections with the communities, cities and cultures that surround them and by distributing the education effort across the people, organisations and institutions of a local area' (Facer 2009, p. 2, quoting RSA 2009). The implication of such a curriculum model is much more than a shift to more local content; it also signals a shift in how the curriculum is made, away from centralised prescription towards a more democratic model that lays greater emphasis on experiential learning and student identity.

Recommendation: Fair participation is needed in school learning. This involves a high level of challenge and enquiry in lessons; genuine communication between pupils and between staff and pupils; a high level of engagement with young people as agents of their own lives; and approaches that position teachers as thinking professionals able to evolve their own solutions to educational problems. One way that should be encouraged to deliver this is an 'area-based curriculum'.

3. Holistic models of schooling

Over the last decade many schools have become highly creative in working with different agencies and providers to make available a range of services and activities for young people and, indeed, for parents. These include a variety of extra-curricular opportunities and the provision of support services in health and social care for children and parents. A number of initiatives encouraged this provision and made funding available for management and for the activities themselves, such as the full service extended schools initiative, extended schools roll-out

and the extended services initiative (Cummings et al. 2011). A more holistic approach to the delivery of education and other services is also likely to be a more effective vehicle for the fair delivery of teaching and learning, such as an area-based curriculum.

There is currently an unprecedented level of government support for the development of new forms of schooling. Whilst time and rigorous research will judge the effectiveness of these models and their level of fair practice, one perspective is that this represents, given the reduction in public funds, a waste of effort and resources and it channels middle-class fears and efforts away from the local community school (Benn 2012). Given government support of an increasingly diverse school system, in which academies and Free Schools have financial incentives and freedoms from certain regulations (i.e. national curriculum) not open to schools that choose to remain part of the local authority, there is a need to consider the relationship between such changes and any likely increase in privilege to the already advantaged.

The approach to dealing with fairness that we advocate is some form of progressive universalism that recognises that a fair education system should be provided for all children, but that some form of targeting will be necessary with a scale and intensity proportionate to some assessment of need. However, we also advocate some more critical and reflective thinking about the nature and purpose of education, and about the ways that the identity and abilities of a child are a reflection of the socio-cultural context that includes home, school and community, rather than aspects of an individual identity.

Recommendations: Highly important is the removal of attainment gaps between lower-income children and those better off. However, fairness is wider than such concerns. This report advises some form of progressive universalism that recognises that fairness is for all, but that some form of targeting will be necessary with a scale and intensity proportionate to the level of disadvantage. However a critical approach should be taken to targeting systems in schools in order to remove institutionalised low expectations.

We encourage the facilitation of holistic and collaborative approaches to the development of fair education. We support the development of locality-based groups of schools that collaborate with each other and with other institutions and services, including industry, to offer a range of activities and services for families and the community and to develop area-based curricular. This represents a more holistic approach to the delivery of education and other services and is also likely to be a more effective vehicle for the fair delivery of teaching and learning.

4. Towards a fairness audit

Fairness in education is a process – it is never arrived at but needs to be continually brought into being. There is no single initiative or action or even sets of actions that will improve fairness in education. It depends on many aspects of a situation, the people involved and the resources available. We therefore suggest

that in order for actions to be identified, a fairness 'audit' should be conducted as a reflective and inclusive exercise designed to enable thinking and understanding across and between partners and to enable them to prioritise action together.

A fairness audit should have the following qualities, the 'five Cs' (Todd 2012):

1) **Contextualised** – by taking account of the current context and examining practice *within*, *between* and *beyond* educational institutions. The audit should encourage staff to reflect on these three main contexts that provide spaces for fairness, with those involved in the fairness audit being responsible for drawing up a set of appropriate questions.

2) **Collaborative** – with all those involved in delivering and participating in education. With respect to schools, the process should be one of collaboration with those involved in delivering and participating in education, including children, parents, non-teaching staff and practitioners. Discussion with a range of parties will help develop the ideas about and, indeed, a common language as to how fairness is understood, what is unfair and what actions should be taken as a result.

3) **Critical** – the importance of dialogue to critique policy, rather than simply collecting data; the possibility of the process being supported by an external 'critical friend'; making use of educational research findings, for instance with the help of a critical friend; reflecting on the language we use to talk about education, which might refer to over-used terms with an imprecise meaning; and challenging negative assumptions of those in disadvantaged communities.

4) **Capability-driven** – concentrating on expanding the capacities of young people and valuing their contributions. A 'capabilities' approach emphasises the expansion of children's capacities rather than just test scores and does not focus on deficits. A fairness audit could look at how the education system restricts capabilities based on gender, ethnicity or disability.

5) **Conceptualised** – making sense of the situation and prioritising action. The audit involves a reflection on the different types of fairness (a–g) that can be observed in an educational environment and the types that seem to be compromised. Given the tensions between different types of fairness, *conceptualisation* is not likely to be a simple process.

Concluding comments

Whilst the challenges in thinking through issues of fairness and taking appropriate actions are many, there are examples of effective processes, for instance using action research (Baumfield et al. 2008), and a change theory approach (Dyson and Todd 2010). A change theory approach assists the development of schools to achieve over time varied goals to do with addressing educational disadvantage. This model enables schools to map expected intermediate outcomes to their objectives. In addition, it helps schools assess the likelihood of these outcomes leading to identified goals and to revise strategy so that actions are more likely to achieve overall goals.

The effectiveness of these examples (using action research or theory of change) has involved working partnerships between local authorities, schools and higher education researchers in the kind of holistic model espoused above.

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